

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

FILED
JUN 23 2008
[Signature]

CLAYTON SHELDON CREEK,

Petitioner,

-VS-

DOUGLAS WEBER, Warden, South
State Penitentiary,

Respondent.

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CIV 08-3009

ORDER

The petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, attacking petitioner's 2000 rape conviction, was denied both as a second and successive habeas petition and on the merits. Petitioner filed a "petition under 28 U.S.C. § 1655 for setting aside the judgment by default." 28 U.S.C. § 1655 sets forth the procedure in federal court for enforcing a lien in the absence of the defendant. That procedure has no applicability to a federal habeas proceeding.

Now, therefore,

IT IS ORDERED that the petition, Doc. 9, to set aside the judgment is denied.

Dated this 23rd day of June, 2008.

BY THE COURT:

Charles B. Kornmann
CHARLES B. KORNMAN
United States District Judge

ATTEST:
JOSEPH HAAS, Clerk

BY: *Joseph Haas*
DEPUTY
(SEAL)